

**REMARKS**

In addition to originally pending claims 1-10, new claims 11-20 have been added by the foregoing amendments. Claims 1-20 thus are currently pending in the present application.

The Applicants wish to express their appreciation for the Examiner's indication that claims 2, 4, 8 and 10 recite patentable subject matter. For the reasons set forth below, the Applicants believe these claims depend from allowable independent claims, and therefore respectfully decline the invitation to place claims 2, 4, 8 and 10 into independent form at this time.

Claims 1, 3, 5 and 7 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 64,102,443 to Kohler, *et al.*, and claims 6 and 9 stand rejected under 35 U.S.C. § 103(a) as unpatentable over this reference.

**1. The Claims Are Patentable Over Kohler Under § 102.**

The Applicants respectfully traverse the rejections based on the Kohler reference, on the grounds that this reference fails to disclose or suggest all the features of the present invention recited in claims 1, 3, 5-7 and 9.

Claim 1 recites a disc brake for a vehicle which includes, *inter alia*, a brake rotor comprising a hub portion, a friction portion, and a connection portion between the hub and friction portions which locates the friction portion outside the wheel envelope. As discussed in the telephone Interview on May 5, 2005, the Applicants have amended claims 1 and 3 to more clearly recite that the rotor's connection section locates the friction portion *inboard* of the wheel when the rotor is in an in-

use position. It was agreed that this feature distinguishes the claims over the Kohler reference, which teaches a rail wheel 10 with a brake disc 15 located on an *outer* face of the rail wheel. The Applicants further note that given the very limited clearance between the rear face of a rail wheel and its immediately adjacent bearings and suspension cradle, nothing in Kohler teaches, suggests, or even hints that its brake disk could be re-located inboard of the rail wheel.

As a separate matter, the Applicants have added new claims 11-20, which recite a further embodiment of the present invention, in which the hub portion of the rotor is located within the wheel envelope, and therefore the connection portion of the rotor must extend axially inboard in order to place the friction portion outside the wheel envelope.

Because Kohler fails to disclose the claimed disc brake arrangements, wherein, *inter alia*, “the rotor has a connecting portion ... which ... places the friction portion *inboard* toward a center of the vehicle a distance sufficient to place the friction portion outside an envelope of a wheel,” claims 1-20 are patentable over this reference under §§ 102(b) and 103(a). Reconsideration and withdrawal of the pending rejections is respectfully requested.

### CONCLUSION

In view of the foregoing amendments and remarks, the Applicants respectfully request early and favorable consideration, and issuance of a Notice of Allowance for claims 1-20.

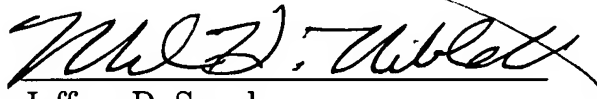
If there are any questions regarding this amendment or the application in

general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #011351.52876US).

July 5, 2005

Respectfully submitted,



Jeffrey D. Sanok  
Registration No. 32,169  
Mark H. Neblett  
Registration No. 42,028

CROWELL & MORING, LLP  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844